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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 RAMONA BAND OF CAHUILLA;
14 CAHUILLA BAND OF INDIANS,
15 Plaintiff-
16 Intervenor,
17 vs.
18 FALLBROOK PUBLIC UTILITY
19 DISTRICT, et al.,
20 Defendants.

CASE NO. 51cv1247-GPC(RBB)

**ORDER GRANTING IN PART
AND DENYING IN PART
JEREMY BALLIGER'S *EX*
PARTE APPLICATION**

[Dkt. No. 5442.]

21 On January 13, 2014, Jeremy Balliger filed an *ex parte* application to request
22 substitution in place of Defendant Cecilia Cole pursuant to Federal Rule of Civil
23 Procedure 25(c), and for leave to file an answer to Cahuilla Band of Indians' second
24 amended complaint in intervention. No opposition has been filed to Balliger's *ex parte*
25 application.

26 Balliger states he inherited vacant land in Anza, California from his grandfather
27 who passed away in March 2008. His aunt, Cecilia Cole, the successor-trustee of his
28 grandfather's estate, executed the Quitclaim Deed to Jeremy Balliger on November 15,

1 2010. In June 2011, Cecilia Cole was served with the second amended complaint but
2 not Balliger. On October 31, 2013, the Court granted Plaintiffs' joint motion for order
3 re: successors-in-interest. (Dkt. No. 5427.) In that order, the Court stated that a
4 successor-in interest may move the court for substitution. (Id.) Balliger seeks to be
5 substituted in place of Cecilia Cole. Accordingly, good cause appearing, the Court
6 GRANTS Balliger's *ex parte* application to request substitution in place of Defendant
7 Cecilia Cole.


8 Balliger also moves *ex parte* for leave to file an answer to the second amended
9 complaint. On January 17, 2014, the Court granted the joint motion to extend the stay
10 by Plaintiff-Intervenors Ramona Band of Cahuilla and Cahuilla Band of Indians. (Dkt.
11 No. 5444.) Since there is a stay of the proceedings as to the Plaintiff-Intervenors'
12 second amended complaint, at this time, the Court DENIES Balliger's *ex parte*
13 application for leave to file an answer.

14 Conclusion

15 Based on the above, the Court GRANTS Balliger's *ex parte* application to
16 request substitution in place of Defendant Cecilia Cole and DENIES Balliger's *ex parte*
17 application for leave to file an answer.

18 IT IS SO ORDERED.

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20 DATED: January 30, 2014

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22 HON. GONZALO P. CURIEL
23 United States District Judge
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